

84TH CONGRESS  
1ST SESSION

# S. 2720

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 1955

Mr. RUSSELL (for himself and Mr. SALTONSTALL) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To provide medical care for dependents of members of the Armed Forces of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Armed Forces Dependents  
4       Medical Care Act of 1955".

5       SEC. 2. The Congress declares it to be the purpose of this  
6       Act to provide a uniform program of medical care for depend-  
7       ents of members of the Armed Forces. The Congress believes  
8       that it is sound public policy to provide such a uniform pro-  
9       gram of medical care as an important factor in the creation  
10      and maintenance of high morale throughout the Armed Forces  
11      because it assures military personnel at home and overseas

1 that the medical care of their dependents is being provided  
2 for by the Department of Defense.

3 SEC. 3. Dependents of members of the Armed Forces are  
4 authorized to be given medical care in accordance with the  
5 provisions of this Act as implemented by regulations pre-  
6 scribed by the Secretary of Defense, and approved by the  
7 President—

8 (a) in military medical facilities subject to the avail-  
9 ability of space, facilities, and capabilities of the medical  
10 staff;

11 (b) through an insurance plan, as provided by sec-  
12 tion 5 of this Act; and

13 (c) from civilian medical sources pursuant to sec-  
14 tion 6 of this Act, for dependents of members of the  
15 Armed Forces not participating in an insurance plan  
16 under section 5 of this Act: *Provided*, That no military  
17 medical facilities are available for such dependents.

18 SEC. 4. (a) Medical care is authorized to be given de-  
19 pendants of members of the Armed Forces in military medical  
20 facilities subject to the availability of space, facilities, and the  
21 capabilities of the medical staff. The medical care of depend-  
22 ents of members of the Armed Forces provided for in mili-  
23 tary medical facilities shall in no way interfere with the  
24 primary mission of the military medical services to provide  
25 proper medical care for military personnel.

1       (b) The Secretary of Defense may establish charges  
2 for any subsistence given dependents of members of the  
3 Armed Forces in connection with medical care in military  
4 facilities.

5       (c) As a restraint on excessive demands for medical  
6 attention in military medical facilities, additional charges  
7 may be imposed for outpatient care but such charges shall  
8 be limited to such amounts, if any, as may be established  
9 by the Secretary of Defense pursuant to a special finding  
10 that such charges are necessary.

11       (d) Any amounts that are received in payment for sub-  
12 sistence and medical care rendered dependents in military  
13 medical facilities shall be deposited to the credit of the appro-  
14 priation supporting the maintenance and operation or sub-  
15 sistence of the military medical facilities furnishing the care.

16       SEC. 5. The Secretary of Defense is authorized to con-  
17 tract for the medical care, under the provisions of this Act,  
18 of dependents of members of the Armed Forces, under such  
19 private insurance plan or plans as he shall deem appropriate,  
20 subject to the following limitations:

21       (a) Members of the Armed Forces shall be entitled to  
22 participate in such plan or plans upon filing of an application  
23 to participate on forms provided by the Department of  
24 Defense.

25       (b) The cost of each private insurance contract shall

1 be apportioned between the member of the Armed Forces  
2 and the Government. The contribution by the member of  
3 the Armed Forces shall not exceed 30 per centum of the  
4 monthly cost and not to exceed \$3 per month estimated  
5 at the time of his filing of a request to participate in such  
6 a plan.

7 (c) Members of the Armed Forces may select such  
8 optional coverage as such plan shall provide.

9 (d) Payment by a member of the Armed Forces of his  
10 share of the cost of the premium of such private insurance  
11 contract shall be by allotment of pay as the Secretary of  
12 Defense shall prescribe.

13 (e) Such private insurance plan shall not provide for  
14 any limitation on periods of authorized medical care for  
15 dependents of members of the Armed Forces for each acci-  
16 dent or illness.

17 (f) The Secretary of Defense, in contracting for such  
18 insurance plan or plans, shall provide for a reduction of the  
19 costs to the extent that dependents of members of the Armed  
20 Forces participating in such plan are cared for in military  
21 medical facilities.

22 (g) The charges for medical care rendered under such  
23 private insurance plan by civilian physicians and surgeons  
24 and hospitals and treatment facilities under civilian control  
25 shall not be at rates in excess of the physician's, surgeon's,

1 hospital's, or treatment facility's standard schedule of charges  
2 for semiprivate accommodations to the general public or to  
3 group-insurance patients (whichever is lower) for the serv-  
4 ices rendered.

5       SEC. 6. Dependents of members of the Armed Forces  
6 who do not elect to participate in an insurance plan as au-  
7 thorized under section 5 of this Act and who are in need  
8 of medical care, for which military medical facilities are not  
9 available, because of inaccessibility, lack of space, facilities,  
10 or capabilities of the medical staff, are authorized to receive  
11 medical care as provided in this section from duly licensed  
12 physicians and facilities under civilian control. However,  
13 no funds shall be expended for professional service except  
14 in accordance with schedules of maximum fees and costs  
15 for such professional service established by the Secretary  
16 of Defense. In establishing such schedules, the Secretary  
17 of Defense may consult with accredited medical associations  
18 and any other agencies which he considers appropriate. The  
19 payment for services rendered by hospitals and clinics shall  
20 be at rates not in excess of the hospital's or clinic's standard  
21 schedule of charges for semiprivate accomodations to the gen-  
22 eral public or to group-insurance patients, whichever is  
23 lower, for the service rendered. As a restraint on excessive  
24 demands for medical care, dependents receiving medical care

1 in civilian medical facilities, under the terms of this section,  
2 shall be required to pay 30 per centum of the first \$100  
3 plus 15 per centum of the cost of the remainder of inpatient  
4 care and 30 per centum of the cost of outpatient care. How-  
5 ever, in cases of protracted periods of illness or other hard-  
6 ship cases, the Secretary of Defense may provide for the  
7 transfer of such dependent to a military medical facility or  
8 take such other appropriate action to alleviate such hardship.

9 SEC. 7. As used in this Act—

10 (a) The term “member of the Armed Forces” in-  
11 cludes—

12 (1) a person, appointed or enlisted in, or inducted,  
13 called or conscripted into, the Army, Navy, Air Force,  
14 or Marine Corps, or members of the reserve com-  
15 ponents who have entered on extended active duty in  
16 excess of ninety days but not including persons on duty  
17 for training purposes only; and

18 (2) a member or former member of the Army,  
19 Navy, Air Force, or Marine Corps, who is entitled to  
20 retirement, or retainer pay or equivalent pay as a result  
21 of service in the Army, Navy, Air Force, or Marine  
22 Corps, other than those entitled to receive retired or re-  
23 tirement pay pursuant to title III of the Army and  
24 Air Force Vitalization and Retirement Equalization Act

1 of 1948, and those nonregular officers of the Army,  
2 Navy, and Marine Corps placed on the emergency re-  
3 tired list under Act of May 24, 1928, as amended, by  
4 reason of disability incurred in World War I and their  
5 dependents who are furnished medical care by the  
6 Veterans' Administration.

7 (b) The term "dependent" includes—

8 (1) in the case of any male member—

9 (A) his lawful wife;

10 (B) his unmarried dependent children. The  
11 term "children" shall in addition to the members' own  
12 or lawfully adopted children include stepchildren,  
13 or such other children as depend upon the member  
14 for support and live with the member in a regular  
15 child-parent relationship; children shall not be in-  
16 cluded in the term "dependent" who are over the  
17 age of twenty-one years, except such children who  
18 are incapable of self-support because of being men-  
19 tally or physically incapacitated and who are in  
20 fact dependent on the member for over half of their  
21 support;

22 (C) his parents and parents-in-law if in fact  
23 dependent on him for over half of their support;  
24 and

1 (2) in the case of any female member—

2 (A) her lawful husband, if in fact dependent  
3 on her for over half of his support;

4 (B) her unmarried dependent children. The  
5 term “children” shall in addition to the members’  
6 own or lawfully adopted children include stepchil-  
7 dren, or such other children as depend upon the  
8 member for support and live with the member  
9 in a regular child-parent relationship; children  
10 shall not be included in the term “dependent”  
11 who are over the age of twenty-one years, ex-  
12 cept such children who are incapable of self-  
13 support because of being mentally or physically  
14 incapacitated and who are in fact dependent on the  
15 member for over half of their support;

16 (C) her parents and parents-in-law if in fact  
17 dependent on her for over half of their support; and

18 (3) unmarried widows and the dependent children  
19 of persons who were members of the Armed Forces, as  
20 defined in this Act, at the time of death are authorized  
21 medical care under the terms of this Act.

22 SEC. 8. Medical care under this Act shall be limited to  
23 the following:

24 (a) Diagnosis;

25 (b) Treatment of acute medical and surgical conditions;

1 (c) Treatment of contagious diseases;

2 (d) Immunization; and

3 (e) Maternity and infant care.

4 SEC. 9. Hospitalization shall not be authorized dependents

5 of members of the Armed Forces for the following:

6 (a) Domiciliary care and chronic diseases;

7 (b) Nervous and mental disorders (except for diagnostic  
8 purposes) ; and

9 (c) Elective medical and surgical treatments as deter-  
10 mined by the cognizant physician.

11 SEC. 10. (a) Dependents of members of the Armed  
12 Forces shall not be provided prosthetic devices, hearing aids,  
13 orthopedic footwear, and spectacles, except that outside the  
14 continental limits of the United States and at remote stations  
15 within the continental limits of the United States where ade-  
16 quate civilian facilities are not available, those items, if avail-  
17 able from military stocks, may be provided to dependents  
18 at prices representing full cost to the Government.

19 (b) Dependents of members of the Armed Forces shall  
20 not be provided—

21 (1) ambulance service, except in acute emergency,  
22 and

23 (2) home calls except in special cases where it is  
24 determined by the cognizant physician to be medically  
25 necessary.

1        SEC. 11. Except outside the continental limits of the  
2 United States and in remote areas within the continental  
3 limits of the United States where adequate civilian dental  
4 facilities are not available, dental treatment for dependents  
5 of members of the Armed Forces will be restricted to emer-  
6 gency dental care and dental care as a necessary adjunct  
7 to medical or surgical treatment. Emergency dental care  
8 is defined as the care required to relieve pain and suffering  
9 and shall not include any permanent restorative work or  
10 dental prosthesis. Dental treatment which may be pro-  
11 vided dependents of members of the Armed Forces under  
12 this section will be obtained in military dental facilities and  
13 will depend upon the availability of space, facilities, and  
14 capabilities of the dental staff. Dependents of members of  
15 the Armed Forces are not authorized dental care at govern-  
16 ment expense through civilian dental sources, except as a  
17 necessary adjunct to inpatient medical or surgical treat-  
18 ment.

19        SEC. 12. There are hereby authorized to be appropri-  
20 ated such sums as may be necessary to carry out the pro-  
21 visions of this Act.

22        SEC. 13. (a) The following laws and parts of laws are  
23 hereby repealed:

24        (1) So much of the Act of July 5, 1884 (ch. 217, 23

1 Stat. 107), as is contained in the proviso under the heading  
2 "Medical Department".

3 (2) The Act of May 10, 1943 (ch. 95, 57 Stat. 80),  
4 except section 4 of such Act.

5 (3) That part of section 326 (b) of the Act of July 1,  
6 1944 (58 Stat. 697), which reads as follows: "Such cost  
7 shall be at such uniform rate as may be prescribed from time  
8 to time by the President for the hospitalization of dependents  
9 of naval and Marine Corps personnel at any naval hospital,  
10 pursuant to section 2 of the Act of May 10, 1943 (57 Stat.  
11 80).".

12 (4) Public Law 108, approved June 20, 1949, to the  
13 extent that it authorizes hospital and medical care for de-  
14 pendents of the regular and reserve components of the Armed  
15 Forces.

16 (b) All laws and parts of laws to the extent that they  
17 are inconsistent with the provisions of this Act are hereby  
18 repealed.

19 SEC. 13. This Act shall become effective one-hundred  
20 and twenty days from the enactment of this Act.

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